



Wichita-Sedgwick County Metropolitan Area Planning Department

May 26, 2006

Willowbend Homeowners Association
C/o Todd Duhnke, President
4124 Jasmine Court
Wichita KS 67226


Re: **VAC2006-00006** - Request to vacate a portion of a platted reserve and the restriction of uses in the platted reserve, generally located northwest of the 37th Street North – Rock Road intersection, more specifically northwest of the Oakmont – Sweet Bay Streets intersection.

Dear Mr. Duhnke:

At its regular meeting on Tuesday, May 23, 2006, the Wichita City Council considered the request. The action of the City Council was to APPROVE subject to the recommendation by the MAPC.

If you have any questions about this matter, please call 268-4494.

Sincerely,


Bill Longnecker
Senior Planner

BL:le

cc: Jim Armour, City Engineer, Public Works Department, Mail Stop 1-71
Paul Gunzelman/Carla Jones, Public Works Engineering, Mail Stop 1-71
Mareda Revocable Trust, c/o Richard, Marie Mareda, 810 N. Stratford, Wichita, KS 67206
Willowbend Homeowners Association, %Key Management Company, 125 N. Market, Suite 1510,
Wichita, KS 67202
Andy S. & Sun J. Kim, 3905 Sweet Bay, Wichita, KS 67226
Samuel E. & Sheree D. Waddell, 3910 N. Sweet Bay, Wichita, KS 67226
James C. & Sandra K. Knipp, 3906 Sweet Bay, Wichita, KS 67226
Randall A. & Gail E. Sommerfeldt, 3902 N. Sweet Bay, Wichita, KS 67226
Chihdar & Wenwen Yang, 7606 E. Oakmount, Wichita, KS 67226
Robert L. McAllister Sr. & Lila Sue McAllister, 7610 E. Oakmount, Wichita, Ks 67226
Roger C. & Paula S. Kidd, 7614 Oakmount, Wichita, KS 67226
Brian C. & Gail J. Rogers, 7602 Oakmount, Wichita, KS 67226

City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688

T 316.268.4421 F 316.268.4390

www.wichita.gov



Sedgwick County
Register of Deeds - Bill Meak
DOC.#/FLM-PG: 28792097

Receipt #: 1625676
Pages Recorded: 2
Cashier Initials: DH

Recording Fee: 001
Authorized By:

Date Recorded: 6/21/2006 12:28:58 PM



Approved / Accepted by City Council

5-23-06

CITY CLERK'S ORIGINAL BEFORE THE CITY COUNCIL OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS
RETURN TO CITY CLERK

IN THE MATTER OF THE VACATION OF A)
PORTION OF A PLATTED RESERVE AND THE)
RESTRICTION OF USES IN THAT PORTION OF THE)
VACATED PLATTED RESERVE)

GENERALLY LOCATED)
NORTHWEST OF 37TH STREET NORTH - ROCK)
ROAD INTERSECTION, NORTHEAST OF)
OAKMONT 37TH STREET NORTH INTERSECTION)

) Case No. VAC2006-00006

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 23rd day of May, 2006 comes on for hearing the petition for vacation filed by Willowbend Home Owners Association c/o Todd Duhnke, praying for the vacation of the following described portion of platted reserve and the restriction of uses in that described portion of the platted reserve, to-wit:

Vacate the east 10-feet of platted Reserve "E", that abuts the west lot line of Lot 1, Block 3, all in the Willowbend Third Addition & the plat text's restriction of uses in regards to uses allowed in Reserve E, Willowbend Third Addition, Wichita, Sedgwick County, Kansas.

The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in The Wichita Eagle on February 23, 2006 which was at least 20 days prior to the

public hearing.

2. No private rights will be injured or endangered by the vacation of the above-described restriction of uses in a platted reserve, and the public will suffer no loss or inconvenience thereby.

3. Retain the north 10-feet of the vacated Reserve "E" as a utility easement.

4. Only those uses permitted by right in the "SF-5" zoning district are allowed in the vacated portion of Reserve "E".

5. A covenant binding and tying the vacated portion of Reserve "E" to Lot 1, Block 3, Willowbend Third Addition will be recorded with the Sedgwick County Register of Deeds.

6. In justice to the petitioner(s), the prayer of the petition ought to be granted.

7. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

8. The vacation of the described portion of the platted reserve and the restriction of uses in the described portion of the vacated platted reserve described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 23rd day of May 2006 ordered that the above-described portion of a platted reserve and the restriction of uses in the described portion of a platted reserve is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

Carlos Mayans
Carlos Mayans, Mayor

ATTEST:

Karen Sublett, CMC
Karen Sublett, City Clerk



State of Kansas }
Sedgwick County }
City of Wichita }

I, **Karen Sublett** City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is affixed is a true and correct copy of the original on file in the office of the City Clerk.

Given under my hand and seal of the City of Wichita, Kansas

this May 23, 2006
Karen Sublett, CMC City Clerk

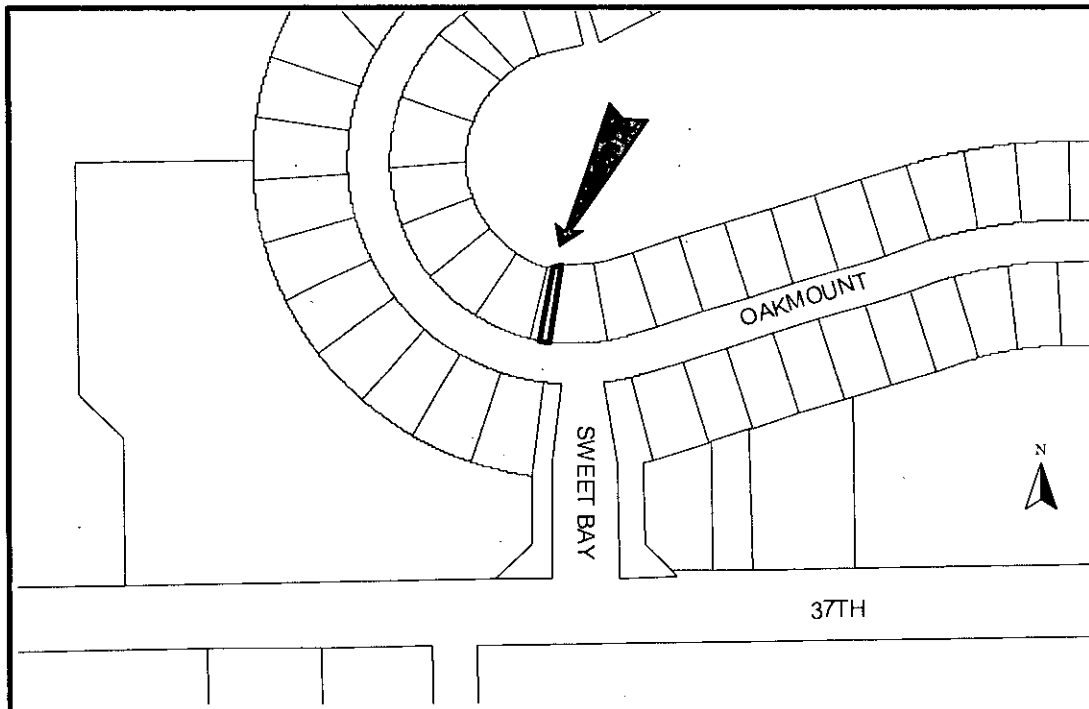
Approved as to Form:



Gary E Rebenstorf, Jr.
Gary Rebenstorf, Director of Law

STAFF REPORT

- CASE NUMBER:** VAC2006-00006: Request to vacate a portion of a platted reserve and the restriction of uses to allow only single-family uses in that portion of the vacated platted reserve
- OWNER/APPLICANT:** Willowbend Homeowners Association c/o Todd Duhnke
Richard & Marie Mareda (contract purchasers)
- LEGAL DESCRIPTION:** Vacate the east 10-feet of platted Reserve E, that abuts the west lot line of Lot 1, Block 3, all in the Willowbend Third Addition & the plat text's restriction of uses in regards to uses allowed in Reserve E, Willowbend Third Addition, Wichita, Sedgwick County, Kansas
- LOCATION:** Generally located northwest of the 37th Street North - Rock Road intersection, more specifically northwest of the Oakmont - Sweet Bay Streets intersection (WCC #II)
- REASON FOR REQUEST:** Additional room to build a single-family residence
- CURRENT ZONING:** Subject property and all abutting and adjacent properties are zoned "SF-5" Single-family Residential.
- VICINITY MAP:**



The applicant is requesting consideration for the vacation of the east 10-feet of the platted Reserve E that abuts the west side yard lot line of Lot 1, Block 3, Willowbend Third Addition and the restriction of uses in the plat's text for the platted reserve to allow additional space to construct a single-family residence. The uses that Reserve E has been set aside for include public utilities, drainage and open spaces. There are no manholes, sewer or water lines in the reserve. Storm Water has no objection to the vacation, which will leave a 23.17-feet of the reserve on the south end and 11.87-feet of the reserve on the north end. Westar has equipment in the north end of the reserve and will require dedication or retention of the north 10-feet of the reserve. Per the plat's text the homeowner's association owns the reserve and is responsible for its maintenance. The president of the Willowbend Homeowners Association has indicated that the homeowners association has agreed to sale the described portion of the reserve to the contract purchasers. The Willowbend Third Addition was recorded with the Register of Deeds November 3, 1986.

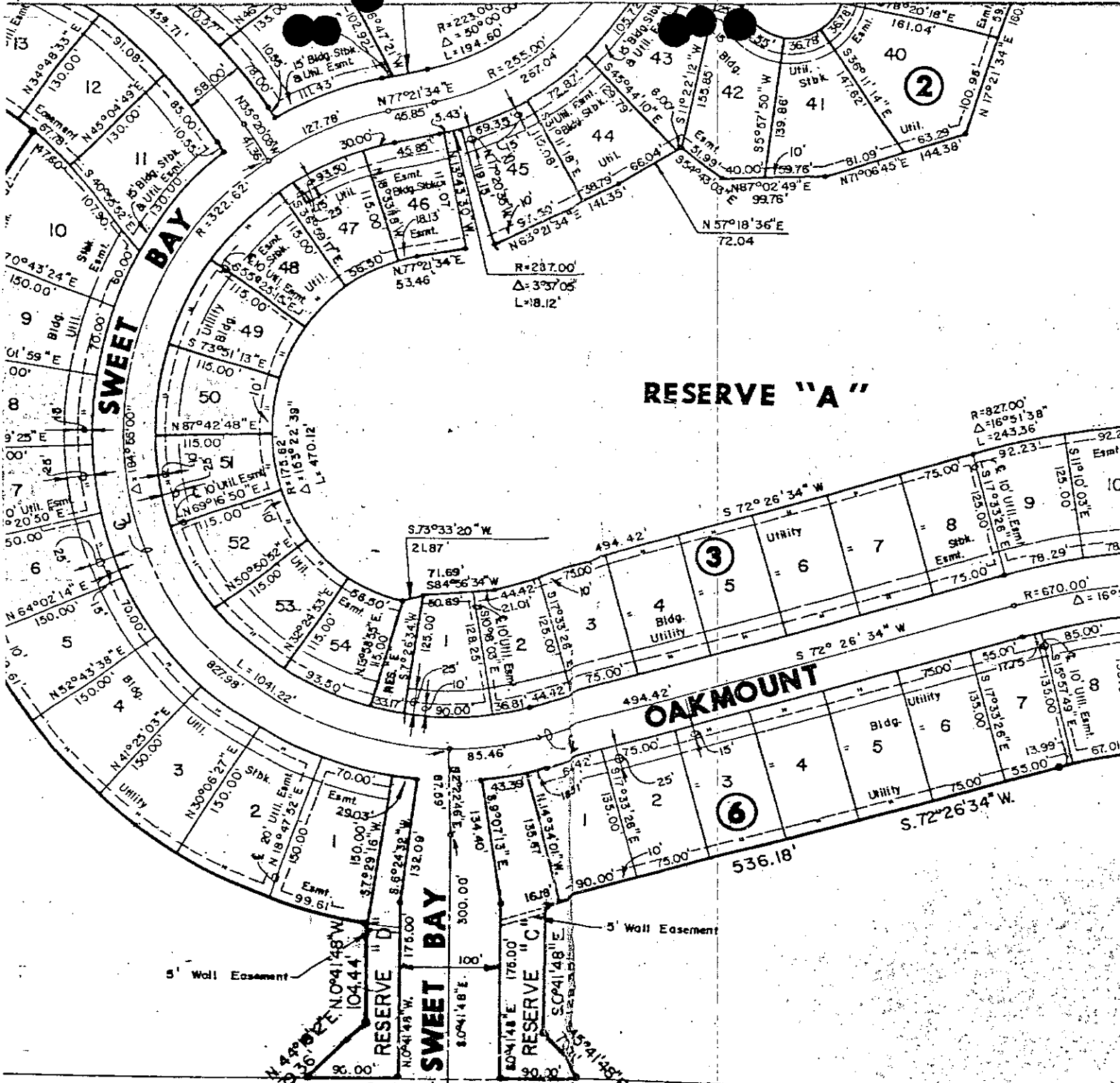
Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from City Public Works, franchised utility representatives, and other interested parties, Planning Staff recommends approval to vacate the a portion of the platted Reserve E and the uses of that portion of the platted Reserve E as described in the legal description to allow a portion of the platted reserve to revert into private property and to allow "SF-5" uses in that portion of the vacated reserve.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time February 23, 2006 which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by the vacation of the above-described portion of the platted reserve and the uses allowed in vacated portion of the platted reserve and the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.
- B. Therefore, the vacation of a portion of the platted reserve and the uses allowed in the vacated portion of the platted reserve described in the petition should be approved subject to the following conditions:
- (1) Vacate the 10-foot wide portion of the platted Reserve E that abuts and runs parallel to the west side yard lot line of Lot 1, Block 3, the Willowbend Third Addition, with the exception of the north 10-feet of the reserve, which needs to be retained as an easement for Westar equipment.
 - (2) Vacate the use restrictions as listed in the approved vacated portion of the platted Reserve E to allow only "SF-5" zoning district uses and utilities confined to easements.

- (3) Provide Planning Staff with a restrictive covenant binding and tying the vacated portion of Reserve E to Lot 1, Block 3, all in the Willowbend Addition, to be sent with the Vacation Order to be recorded with the Register of Deeds.
- (4) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
- (5) All improvements shall be according to City Standards.
- (6) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

- (1) Vacate the 10-foot wide portion of the platted Reserve E that abuts and runs parallel to the west side yard lot line of Lot 1, Block 3, the Willowbend Third Addition, with the exception of the north 10-feet of the reserve, which needs to be retained as an easement for Westar equipment.
- (2) Vacate the use restrictions as listed in the approved vacated portion of the platted Reserve E to allow only "SF-5" zoning district uses and utilities confined to easements.
- (3) Provide Planning Staff with a restrictive covenant binding and tying the vacated portion of Reserve E to Lot 1, Block 3, all in the Willowbend Addition, to be sent with the Vacation Order to be recorded with the Register of Deeds.
- (4) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant and at the applicant's expense.
- (5) All improvements shall be according to City Standards.
- (6) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.



Street Dedication
 File 77, Page 218

STREET

S.89°18'12"W

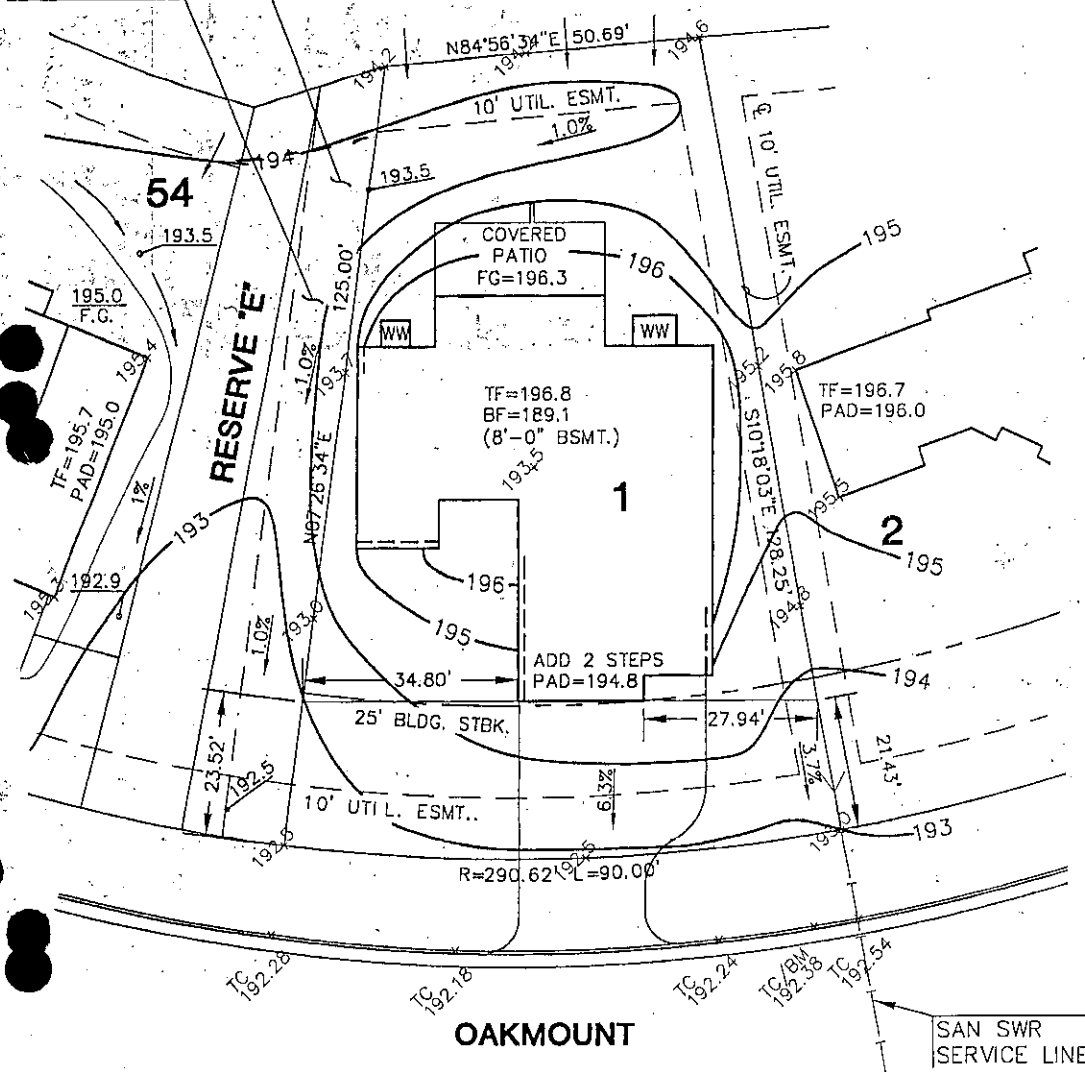
*F 1285, P. 1287
 correction affidavit F 1276, P. 1568*

10' TRACT TO BE VACATED

EAST HALF OF RES. "E" DEEDED TO LOT 1, BLK 3 WILLOWBEND 3RD

RESERVE "A"

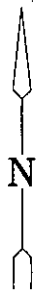
RESERVE "E"



VAC 2006-06
SITE Plan

LEGEND

BENCHMARK:	DISTANCE FROM HOUSE TO PROPERTY LINE	
1" CUT TO SE CORNER OF LOT 1, BLOCK 3, WILLOWBEND 3RD, ELEV. = 192.38	FRONT	25.00
	REAR	38.81
	LEFT	2.59
	RIGHT	6.50
TF	Top of Foundation	



GENERAL NOTES

1. Builder shall provide retaining walls along property line for grade transitions when required to maintain proper slopes between houses.
2. This drawing is provided for grading purposes only.

JIC
2/3/06